IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.14 OF 2007

Shankar Ganpat Jadhav .. Appellant.
Vs.
Shrirang Abaji Vatambale & Ors. .. Respondents.

Mr.L.S.Gaikwad for the appellant.

CORAM : D.B.BHOSALE, J.

DATED : 23RD JANUARY, 2007

P.C.:

. Heard learned counsel for the appellant.

2. This second appeal is arising from the suit filed by the appellant for specific performance of an agreement dated 30.5.1986 by which the appellant claims that 9 gunthas of the land out gat no.15 was sold by the respondent-defendants. I perused both the judgments. Both the courts below have concurrently held that the appellant was not put in possession of the suit propety on execution of the agreement. The issue of readiness and willingness to perform the contract has also been answered against the appellant. The courts have further recorded a categoric finding that the deceased Shrirang had executed the agreement as security for the amount borrowed by him from the appellant. The issue of limitation was also answered

against the appellant holding that the suit was barred by limitation against the added respondents. Admittedly, all the heirs of Shrirang were not added as the defendants when the suit was filed and some of the heirs were added subsequently after the period of limitation. It is against this backdrop I find absolutely no reason to interfere with the concurrent findings recorded by the courts below and there is sufficient material on record to sustain those findings. No substantial question of law is either raised or involved in the second appeal warranting interference by this court under section 100 of the Code of Civil Procedure. The second appeal, therefore, fails and is dismissed as such.

(D.B.Bhosale, J.)